From: Roger Sumey
To: Microsoft ATR
Date: 1/27/02 11:25pm
Subject: Microsoft Settlement

To whom it may concern,

In accordance with provisions of the Tunney Act, I am sending these comments on the Proposed Final
Settlement of the United States vs Microsoft antitrust case.

The proposed settlement is seriously flawed in numerous respects. It does not redress the market gains Microsoft has achieved though illegal, predatory manipulation of OEM's, ISP's, and customers to eliminate or control any and all competition to it's monopoly in operating systems or office products, and extension of that monopoly to networking middleware. It does not restrict Microsoft from using it's monopoly position in the future to again prevent consumers from having effective alternatives to Microsoft products. It has several provisions that provide legally recognized grounds for it to conduct anti competitive behavior in regard to the open software movement that now is it's only competition, as stated by Microsoft itself. Lastly, it provides a completely inadequate enforcement mechanism.

I find that the proposed settlement simply does not serve justice in that it provides equal consideration to Microsoft with the Government in consideration of issues of enforcement. The mechanism for selection of overseers that provides parity to Microsoft is offensive on it's face. Add to that the requirement for secrecy on their part, prohibiting one of the bastions of America's freedom, the press, from revealing any information to the public concerning Microsoft's implementation of the settlement will prevent that most effective check on Microsoft's often egregious business practices. Microsoft has been found guilty of illegal actions. The settlement should reflect that fact and in my opinion it does not.

There are many other aspects of the settlement that are seriously flawed that I will not detail. It does not deal realistically with Microsoft's long history of predatory behavior that continues to this day. Just yesterday, January 26, I read a report of Microsoft denying information on .Net technology to an developer because they refused to develop exclusively with .Net, intending to support Java networking solutions also.

My comments on the proposed settlement are most respectfully tendered.

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